

**FISCAL NOTE**  
**HB 2343 - SB 2364**

February 2, 2004

**SUMMARY OF BILL:**

- Authorizes the treasurer to award an annual grant from the Criminal Injuries Compensation Fund to the Department of Human Services, Division of Adult Protective Services. Any interest from the fund is dedicated to the department. Assesses a ten-dollar litigation tax against any person convicted of certain felonies to be dedicated to adult protective services.
- Changes the criminal statute on willful abuse, neglect or exploitation of any adult from a Class A misdemeanor to a Class D felony. The current statute of willful physical abuse or gross neglect of an impaired adult resulting in serious mental or physical harm is changed from aggravated assault, a Class D felony, to a Class C felony. An offender arrested for abuse involving physical harm to an adult of advanced age cannot be released within 12 hours of arrest if the arresting official finds the offender to be a continuing threat.
- Provides that the Division of Adult Protective Services is to establish a toll free number for reporting abuse and requests for assistance. Expands the authority of the department to include abusive actions regarding private funds rather than just governmental funds. Nursing homes and doctors' offices are to post notices in their main public entrances including telephone numbers for the division and the right to file a complaint with the division. The Board for Licensing Health Care Facilities is to distribute printed materials to residents of nursing homes, assisted living facilities and any other residential facilities.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$1,521,000 Recurring**  
**\$686,000 One-Time**  
**\$99,600/Incarceration\***

**Increase State Revenues - \$5,000,000**

Estimate assumes:

- A need for 37 additional positions and related expenses in the Department of Human Services to respond to additional caseload due to expanded legal responsibilities and the public awareness campaign.

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- The increase in caseload is estimated at 305 in the first year. Based upon the experience in other states, the caseload and the need for additional staff will grow by a similar amount in the following years.
- A need for one-time funding for additional computer resources in the Department of Human Services to develop a caseload management system to respond to the increase in complaints.
- A need for additional computer system changes in the Department of Revenue to respond to the new litigation tax.
- Ten additional admissions to the Department of Correction each year from changing the current misdemeanor penalty to a Class D felony.
- An increase in annual revenue from the litigation tax based on a 50% collection rate for 1,000,000 convictions at \$10 each.

*\*Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director